

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCIS ANTHONY HUMES,
Petitioner,
v.
MONTEREY COUNTY JAIL,
Respondent.

Case No. 21-05123 BLF (PR)

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

(Docket No. 8)

Petitioner, a California inmate, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹

Petitioner has filed a motion requesting the appointment of counsel. Dkt. No. 8. The Sixth Amendment's right to counsel does not apply in habeas corpus actions. *See Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir.), *cert. denied*, 479 U.S. 867 (1986). Unless an evidentiary hearing is required, the decision to appoint counsel is within the discretion of the district court. *See Id.* at 728; *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). An evidentiary hearing does not appear necessary at this time, and there are no exceptional circumstances to warrant appointment of counsel.


¹ This matter was reassigned to this Court on July 15, 2021, after Plaintiff declined magistrate jurisdiction on July 12, 2021. Dkt. Nos. 4,7.

1 Accordingly, Petitioner's motion for appointment of counsel, Dkt. No. 8 is **DENIED**
2 without prejudice to the Court's *sua sponte* reconsideration should the Court later find an
3 evidentiary hearing necessary following consideration of the merits of Petitioner's claims.

4 This order terminates Docket No. 8.

5 **IT IS SO ORDERED.**

6 Dated: October 14, 2021


BETH LABSON FREEMAN
United States District Judge

United States District Court
Northern District of California